

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ARTHUR KIRKHAM,

CASE NO. 2:25-cv-00208-DGE-

Plaintiff,

DWC

WHATCOM COUNTY et al.,

**ORDER ADOPTING REPORT AND
RECOMMENDATION ON
DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 42)**

The Court, having reviewed de novo the Report and Recommendation (“R&R”) of Magistrate Judge David W. Christel and the remaining record, and there being no objections, does hereby find and ORDER:

1. The R&R (Dkt. No. 42) is ADOPTED.
 2. County Defendants' Motion to Dismiss (Dkt. 27) is denied. Additionally, County Defendants' qualified immunity defense is denied without prejudice and with the ability to re-raise the defense at a later stage.

3. The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants, and to the Hon. David W. Christel.

Dated this 29th day of September, 2025.


David G. Estudillo
United States District Judge